

ABSTRACT

In Angola there isn't an official norm for forensic evaluation of post-traumatic bodily harm, indicated for each scope of the Law in which it takes place.

The entity that supervises the evaluation of this harm, in order to enable its compensation sums, is the *National Commission of Evaluation of Work Disabilities*, but most examinations of traffic or work related accidents are made by the insurance companies. These examinations can also be made by the *Department of Legal Medicine of the Angolan National Board of Criminal Investigation*, which is mainly focused on examinations for Penal Law. The private forensic doctor professional doesn't exist. On the other hand, not all victims are compensated by the harm caused by the accident, considering that, to be compensated, they would need an insurance, which is only mandatory since 2010, thus, in most cases, it does not exist.

Therefore, the aim of this study is to analyze and interpret, from the medico-legal and forensic point of view, the procedures of the evaluation of bodily harm on traffic or work victims in Angola, as well as the current situation of those evaluations, focusing on a contribution for the promotion of a methodology of evaluation that if suitable to the legal system, may serve as an instrument to improve the evaluation and restore of bodily harm in that country. For this, it was used as a model the evaluation regime of these damages followed in Portugal, by the *National Institute of Legal Medicine*.

An observation study was carried out, with an analytical component, that consisted in an analysis of 301 medical reports, elaborated in the year 2010, on the health department of the *National Insurance Company of Angola*, concerning the evaluation of post-traumatic bodily harm in traffic accidents (n=104) and work (n=197), and the corresponding compensation sums. It was used a form for the collection data, with information concerning the victim, type of accident, injuries and sequels, as well as the evaluated bodily harm parameters.

From this study we can determine that the evaluation reports analyzed, regardless of being the result of traffic or work: (1) do not describe the pathological and traumatic background of the victim; (2) describe the trauma/accident but with no details; (3) in 3% of the cases do not refer to injuries that resulted from the accident nor to the location of those injuries; (5) in almost 100% do not describe functional nor situational sequels; (6) the causality between trauma and damage is never mentioned; (7) in 66% of the cases do not mention the date of the medico-legal consolidation of the injuries;

(8) in 54% of the cases do not mention the temporary bodily harm parameters; (9) in 99% of the cases do not mention the permanent bodily harm parameters. Accordingly, a profound reflection is necessary about the problem concerning the value of post-traumatic bodily harm caused by traffic or work accidents in Angola, and it is necessary to outline and regulate a methodology, that will be fundamental to ensure the equity of the evaluation and, consequently, the justice of the compensation.

Key-words

Bodily harm; Traffic accident; Forensic evaluation; Civil law; Labour Law; Compensation.